HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting.

(Chapter VIII Rule 32 (2) (b)

Description of the case

W.P. No. 7075 of 2001 (S/S)

Idris S/o Sri Raj Deen

Vs.

State and others.

A.F.R. (Approved for reporting)

~~Not approved for reporting~~

Initial of Judge 28.08.2006

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ petition No. 7075 of 2001 (SS)

Idris son of Sri Raj Deen, R/o village and post Dhakrani, District Dehradun ..... Petitioner

Versus

1. State of Uttaranchal through its Secretary, Minister of Irrigation, Civil Secretariat, Dehradun
2. Executive Engineer, Civil Construction Division, Dhalipur, Dehradun.
3. Superintending Engineer, Irrigation Construction Circle, Dehradun ..... Respondents

Sri S.S. Yadav for the petitioner.
Standing Counsel for the respondents.

Dated: 28.8.2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Yadav counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition the petitioners has prayed for a writ of certiorari quashing the order dated 5.7.2001 passed by the respondent no. 2 by which the petitioner was retired from service after attaining the age of 58 years.

Briefly stated the petitioner was Chaukidar in the Irrigation Department. According to the petitioner his dated of birth has been recorded in the Service Book is 1.1.1944. The grievance of the petitioner is that according to the rules the age of retirement of Class IV employees has been prescribed as 60 years but the petitioner has been directed to retire after completing 58 years of age on 31.12.2001.

The respondents have filed counter affidavit. In paragraph 4 of the counter affidavit the respondents have submitted as under:

"That in reply to content of paragraph no. 2 of the writ petition it is submitted that initially the petitioner was appointed on 2.12.1971 in the work charge establishment on the post of Gatekeeper (Chaukidar) on temporary basis thereafter, the Chief Engineer Yamuna Valley Project, Dehradun, appointed the petitioner in the regular establishment on the post of Gatekeeper (Chaukidar) vide its letter dated 5785/498-Pa/W-3 (Promotion) dated 4.6.1997 and in pursuance of the letter dated 4.7.1997 the petitioner joined in the regular establishment on the post of Gatekeeper (Chaukidar) on 27.11.1997. The work charges establishment and regular establishment are the different establishments therefore, initial appointment of the petitioner made in the year 1971 was temporary in nature in work charge establishment and latter on in the year 1997 the services of the petitioner has been regularized and transferred in the regular establishment. The State of U.P. issued a Government Order on 5.11.1985 and according to that G.O. the Class IV employees who had been appointed after 5.11.1985 will be retired after attaining the age 58 years and in compliance of the G.O. dated 5.11.1985 the retirement age of the petitioner is obviously 58 years."

The petitioner was appointed in the regular establishment on 4.6.1997 i.e. after promulgation of G.O. dated 5.11.1985 and thus according to the provisions of the G.O. his age of superannuation would be 58 years.

The writ petition, therefore, lacks merit and is hereby dismissed. There will be no order as costs.

Dated: 28.8.2006 **Rajesh Tandon, J.**

*Dhyani